



AFCC eNEWS

BI-MONTHLY E-NEWSLETTER
VOL. 2 NO. 1
FEBRUARY 2007

AFCC 44th Annual Conference

Early Bird Registration Deadline - March 9, 2007

Register by March 9, 2007 to receive the lowest rates for AFCC's 44th Annual Conference, May 30-June 2, 2007 in Washington, D.C. *Children of Separation and Divorce: The Politics of Policy, Practice and Parenting* will bring together more than 700 professionals from across the globe and participants will have the opportunity to earn up to 21 hours of continuing education credits. The AFCC special hotel rate starts Sunday, May 27 - so come early, enjoy Memorial Day weekend with your family and take advantage of everything **Capital City** has to offer.

[More information...](#)

AFCC Scholarship Application Announcement

AFCC recently learned that due to a technical problem with our Internet service provider, scholarship applications for the 44th Annual Conference submitted prior to January 26, 2007 were not forwarded to our office. If you applied for a scholarship prior to January 26, 2007, we do not have your application and ask you to resubmit it. We apologize for the inconvenience. If you have any questions, please contact AFCC Marketing and Development Manager [David Vigliotta](#) at (608) 664-3750. The deadline to complete the scholarship application is March 1, 2007.

[View scholarship application...](#)

Call for Presenters

AFCC Regional Training Conference

The Call for Presenters for AFCC's Regional Training Conference, September 27-29, 2007 in Columbus, Ohio is now available. If you are interested in participating as a presenter, please submit a proposal before April 23, 2007.

[Call for Presenters \(PDF\)](#)

New Features and Design for Family Court Review

Blackwell Synergy, online host to AFCC's academic and research journal, *Family Court Review*, was re-launched in January with a brand new design. This redesign provides easier navigation, faster loading times and improved access to tools for researchers. New features include the option to search by most read and most cited articles, citation alerts, and the ability to email the article to a friend or colleague. Registrants are also



44th Annual Conference

Children of Separation and Divorce: The Politics of Policy, Practice and Parenting

Featuring the Capitol Steps!

May 30-June 2, 2007

Capital Hilton

Washington, D.C.

[Press Release \(PDF\)](#)

[Register today...](#)

NEW! TAKE THE AFCC ONLINE POLL

Should never-married parents who have separated be required to attend a parent education program? Take the AFCC online poll and view current poll results instantly.

[Click Here To Vote!](#)

MARK YOUR CALENDAR

invited to sign-up to receive table of content alerts to be notified when a new issue of *Family Court Review* is posted online. Non-members are invited to view the January 2007 issue for free.

[AFCC Members \(login\)](#) | [Non-members](#)

AFCC New Orleans Trainings Featuring Joan B. Kelly and Nancy W. Olesen

Professionals who work with high-conflict families will not want to miss two great trainings sponsored by AFCC in collaboration with Loyola University New Orleans College of Law. *Parenting Coordination: Helping High Conflict Parents Resolve Disputes* with Dr. Joan B. Kelly will take place, March 27-28, 2007. Dr. Nancy W. Olesen will present *Advanced Issues in Child Custody: Complex Family Violence, Alienation, Child Sexual Abuse and Attachment* on March 29-30, 2007. Each training program is eligible for 12 CE hours for psychologists and 12 CLE credits, and has been approved by the Louisiana Counseling Association and NASW-LA for 12 CEUs. Dr. Olesen's program is also approved for hours toward child custody evaluator training in California.

[View training brochure...](#) (PDF)

CASE LAW UPDATE

Teeth Pulled from Putative Father Registries

by Barbara Glesner Fines, Ruby M. Hulen Professor of Law, University of Missouri-Kansas City

Courts around the country are struggling with issues of unmarried father's rights and the effects of the putative father registry. The Florida courts provide a good example of the movement to make it easier for biological fathers to assert their rights. Recently the Florida Court of Appeals reaffirmed its stance that a failure to file with the putative father registry is not a basis for terminating a biological father's parental rights in an adoption proceeding.

J.A. v. Heart of Adoptions, Inc. (February 7, 2007)

[View opinion...](#) (PDF)

For more daily case law and other legal developments, visit the [Family Law Prof Blog](#).

RESEARCH UPDATE

Marital Conflict Does Not Necessarily Affect Child Rearing

Courtesy of J.M. Craig Press, Inc.

We have known for some time that when couples argue, they may engage in predictable patterns of behavior. One of these patterns is called the pursuer-distancer model, in which women typically raise issues of concern, and men distance themselves to avoid conflict. This phenomenon has been scientifically replicated a number of times, but this is the first article we have seen that examines the effect of this type of conflict on child rearing practices.

[Read more...](#)

FEATURED ARTICLE

AFCC Regional Training Conference

September 27-29, 2007
Hyatt Regency Columbus
Columbus, Ohio

[Call for Presenters \(PDF\)](#)

AFCC Trainings

Parenting Coordination: Helping High Conflict Parents Resolve Disputes

Joan B. Kelly, Ph.D.

March 27-28, 2007
New Orleans, Louisiana

[Training Brochure \(PDF\)](#)

Advanced Issues in Child Custody: Complex Family Violence, Alienation, Child Sexual Abuse and Attachment

Nancy Olesen, Ph.D.

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AFCC Chapters

Colorado Chapter Inaugural Event

March 2, 2007
University of Denver
Denver, Colorado
www.afccnet.org

Missouri Chapter Annual Conference

March 8-9, 2007
Crowne Plaza St. Louis Airport
St. Louis, Missouri
www.afccnet.org

Massachusetts Chapter Annual Conference

April 6, 2007
Regis College
Weston, Massachusetts
www.afccnet.org

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[Join or Renew Today](#)

Resistance is Futile: Going With the Flow

by Ericka B. Gray, courtesy of Mediate.com

Push, defend, control other's behaviors. Counter position with position. Attempt to control the process. Engage in power struggles. Make others bend to your will. Sound familiar? Perhaps like a mediation you have participated in recently? You are probably thinking that I'm describing the parties in the mediation. However, I'm describing the mediator's interactions with the parties. Shocked? I hope so.

[Read more...](#)

INTERNATIONAL NEWS

The Three-Parent Case: Family Law in the New Millennium

by Bradley Berg, Blake, Cassels & Graydon LLP, Toronto, Canada

On January 2, 2007, the Ontario Court of Appeal released its decision in AA BB CC (No. C39998), the so-called "three-parent" case. The Court ruled that judges in Ontario have the jurisdiction to declare more than two persons to be legal parents of a child.

[Read more...](#)

Lawyers Back Court's Release of Jayden Judgments

by Simon Collins, courtesy of The New Zealand Herald, Auckland, New Zealand

Family Court lawyers are backing a controversial decision to release court judgments on the Jayden Headley case, even though the lawyer for Jayden's mother says the decision means she can no longer get a fair trial. Principal Family Court Judge Peter Boshier confirmed yesterday that his decision to publish five court judgments in the case dating back to September 2005 was unprecedented.

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ABOUT AFCC eNEWS

AFCC eNEWS is a bi-monthly e-newsletter published by the Association of Family and Conciliation Courts (AFCC). *AFCC eNEWS* provides professionals with time sensitive and up-to-date topics including case law updates, research innovations and international news. Readers are welcome to forward this e-newsletter to interested colleagues.

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JOIN AFCC IN DC

Top Ten Things to Do in Washington, DC!



The AFCC special hotel rate starts Sunday, May 27—so come early, enjoy Memorial Day weekend with your family and take advantage of everything Capital City has to offer!

1. National Mall & Memorial Parks

From the Capitol steps to the Lincoln Memorial, this two mile stretch features more than twenty major landmarks you do not want to miss. Sites include the Washington Monument, Thomas Jefferson Memorial, WWII Memorial, Vietnam Veterans Memorial and numerous art galleries and Smithsonian exhibits.

www.nps.gov/nama

2. Smithsonian Institution Building (The Castle)

Located in the National Mall, start your tour of the world's largest museum complex at the Smithsonian Institution Building, popularly known as the Castle. From here, create a personalized itinerary of the 17 Smithsonian museums at the Smithsonian Information Center. Admission is free at all Smithsonian museums!

www.si.edu

3. White House Tours

Public tours of the White House are available for groups of ten or more people. Requests must be submitted through one's Member of Congress and are accepted up to six months in advance. All White House tours are free of charge. For the most current tour information, please call (202)

456-7041.

www.whitehouse.gov/history/tours

4. Union Station

The most visited site in D.C., this beautifully restored train station houses shops and boutiques, restaurants, a nine screen movie theater and both Amtrak and Metro train stations. Check the Web site for a 15% off coupon.

www.unionstationdc.com

5. United States Holocaust Memorial Museum

The United States Holocaust Memorial Museum is America's national institution for the documentation, study, and interpretation of Holocaust history. The Holocaust, the Museum's three-floor main exhibition, presents a comprehensive history through artifacts, photographs, films and eyewitness testimonies.

<http://www.ushmm.org/visit/>

6. National Gallery of Art

The West Wing features a collection of international masterpieces from the 13th through the 19th century, while the East Wing houses a modern collection of 20th century pieces. Admission is free; see the Web site for changing exhibitions.

www.nga.gov

7. National Geographic Museum Explorer's Hall

This museum brings to life some of the world's most fascinating adventures and scientific research and also features live concerts, lectures, film screenings and more. Admission is free. See the Web site for changing exhibits.

www.nationalgeographic.com/museum

8. Major League Baseball's Washington Nationals

Playing in the recently renovated RFK stadium May 29-31 against the Los Angeles Dodgers and June 1-3 against the San Diego Padres.

www.nationals.mlb.com

9. International Spy Museum

One of Washington's newest museums, the International Spy Museum is the only public museum in the world dedicated to the tradecraft, history and contemporary role of espionage.

www.spymuseum.org/plan

10. Eighteenth Street Lounge

Once home to Theodore Roosevelt, this historic mansion is now Washington's trendiest and most exclusive lounge. Inside you will find the city's best DJ's and perhaps a surprise appearance by Thievery Corporation, famed electronic group and former owners.

Helpful Tourism and Travel Links

Map of the Capital Hilton:

[Only two blocks from the White House!](#)

The official tourism site of Washington, DC:

www.washington.org

Features current events, best restaurants and more:

www.washingtonian.com

Interactive map of Washington, DC:

<http://map.mapnetwork.com/destination/dc/>

Provides Metro-bus and Metro-rail maps:

www.wmata.com/maps/maps.cfm

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Marital Conflict Does Not Necessarily Affect Child Rearing

Courtesy of J.M. Craig Press, Inc.

Sturge-Apple, M.L., Davies, P.T. and Cummings, E. M. [2006]. Hostility and Withdrawal in Marital Conflict: Effects on Parental Emotional Unavailability and Inconsistent Discipline. *Journal of Family Psychology*, 20, 227-238.

We have known for some time that when couples argue, they may engage in predictable patterns of behavior. One of these patterns is called the pursuer-distancer model, in which women typically raise issues of concern, and men distance themselves to avoid conflict. This phenomenon has been scientifically replicated a number of times, but this is the first article we have seen that examines the effect of this type of conflict on child rearing practices.

More specifically, the authors looked at marital withdrawal and hostility, its relationship to the couple's emotional unavailability to each other, and the extent to which consistency of discipline was affected. The authors interviewed and observed 227 families on two occasions one year apart. The families were largely middle class and each had a child who was approximately six years old.

They found:

- Conflict caused both parents to be more unavailable to each other.
- The greater the hostility and withdrawal, the more the couples disagreed about child rearing.
- When couples disagreed regarding child rearing, mothers were more unavailable to fathers than fathers were to mothers, but fathers became more inconsistent in their disciplinary practices whereas mothers remained consistent.
- Twenty-five percent of the couples reported nearly daily disagreement about child rearing practices, but other conflicts between them did not increase their child rearing disagreements.

The authors noted that, "the harmful effects of marital withdrawal may proliferate beyond the marital sub-system by engendering broader patterns of paternal disengagement that are reflected in diminished emotional availability in father child interactions" [p. 235], but this was not the case with mothers.

In conclusion they stated, "Given that fathers' roles may be less socially scripted, perhaps the effects of marital conflict on greater child rearing disagreements makes it more difficult for fathers to utilize and solicit mothers' input on discipline practices and results in greater use of inconsistent discipline techniques by fathers experiencing marital distress" [. 236.]

Critical Analysis

A major strength of this study is that it uses sophisticated statistical techniques to evaluate the couples' interaction and how it affected their child rearing. It used a large number of participants who were generally middle class. On the other hand, minority families represented only 23% of the participants.

Recommendations

A major lesson of this study is that child rearing disagreements are fairly common and should not, in and of themselves, be given excessive weight when performing CCEs since child rearing practices are generally not affected by conflict.

Second, both CCEs and lawyers should not be surprised when parties complain about poor communications since withdrawal and unavailability are common reactions to conflict.

Third, because couples so commonly react in these ways, their reactions may have a direct impact on possession and access issues with children post-divorce. More specifically, when divorced parents have conflict regarding a child rearing issue, mothers may become more unavailable and not provide sufficient direction to their ex-husbands. Lacking this information, fathers may treat the children more inconsistently. It is at this point that a mother may try to limit access based on the argument that the father does not deal with the children appropriately. Therefore, it is important in custody and modification cases where this situation arises to monitor how parents deal with their children to determine if their ability to manage them improves during the pendency of the litigation.

For this as well as other valuable research visit J.M. Craig Press online at www.jmcraig.com or call (877) 960-1474. **AFCC members receive a 25% discount on all J.M. Craig Products.**

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Lawyers Back Court's Release of Jayden Judgments

by Simon Collins, courtesy of The New Zealand Herald, Auckland, New Zealand

Family Court lawyers are backing a controversial decision to release court judgments on the Jayden Headley case, even though the lawyer for Jayden's mother says the decision means she can no longer get a fair trial. Principal Family Court Judge Peter Boshier confirmed yesterday that his decision to publish five court judgments in the case dating back to September 2005 was unprecedented.

Auckland barrister Barry Hart, acting for Jayden's mother Kay Skelton, said media coverage of the judgments yesterday was "completely unbalanced" and meant Ms Skelton could not ever get a fair trial on the criminal charges she faces.

He said he would apply to have the charges against Ms Skelton dismissed because any jury would be prejudiced against her.

He said he would also seek a High Court injunction today to stop the Family Court from issuing any more material from the case and to "restrain anyone from disseminating any more material of this nature."

"Given the history of appearing in the Family Court on Tuesday and seeking an order of non-publication relating to anything that may affect the forthcoming criminal proceedings, and obtaining an order, I'm absolutely horrified to think that the Family Court released these early decisions," he said.

But the convenor of the Auckland District Law Society's family law committee, Vanessa Vette, said Judge Boshier made the right call to release the decisions because of the amount of selective information already in the public domain since Ms Skelton's father Dick Headley went into hiding with 6-year-old Jayden five months ago.

"There has been so much information in the media about this case over the last five months, much of it on the mother's side," she said.

"From my perspective, reading these judgments in full does give you a more balanced view of the case when you know the long background. There have been proceedings since the little boy was about 8 months old."

Ms Vette said the Family Court was obliged to focus on what was in the best interests of the child, and in this case there had already been such intense media coverage that publication of the full judgments would not do any further damage to Jayden.

She noted that Hamilton Family Court Judge Rosemary Riddell had awarded only interim care of Jayden to his father, Chris Jones, so Ms Skelton still had an opportunity to challenge that decision.

Wellington media law lecturer Steven Price said the Court of Appeal ruled in the 1995 case of John Gillies that "in the ordinary course of things jurors are likely to forget stuff published within six to eight months."

Judge Boshier himself said he was not aware of any precedent for release of Family Court judgments without deleting identifying details since the Care of Children Act allowed journalists into the court in 2005. Although the media can now report Family Court cases, they cannot normally include any details that would identify the parties.

"However, the act provides a general discretion for publication, including identifying information," Judge Boshier said.

"Where the public interest clearly requires such details to be published, particularly in cases where parties have already identified themselves and their children, it is likely that unanonymised judgments will be made available.

"As I have said previously, where a case is put into the public domain, and the process of the Family Court is under scrutiny, I will always look at making available judgments so as to ensure that the facts are before the public."

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The Three-Parent Case: Family Law in the New Millennium

by Bradley Berg, Blake, Cassels & Graydon LLP, Toronto, Canada

On January 2, 2007, the Ontario Court of Appeal released its decision in *AA BB CC* (No. C39998), the so-called "three-parent" case. The Court ruled that judges in Ontario have the jurisdiction to declare more than two persons to be legal parents of a child.

In that case, the biological mother and biological father were already recognized as legal parents of the child, but the biological mother's same-sex partner was not. She applied for a declaration of legal parentage, with the consent of the other two parents. The trial judge had found that all three people had a relationship of parent and child with their son, and that it would be in the best interests of the child to recognize all three persons as legal parents. However, the trial judge had rejected the application, saying that he had no jurisdiction under the provincial statute (*Ontario's Children's Law Reform Act*), which speaks in terms of only one mother and one father. He said his hands were tied.

The Court of Appeal disagreed, holding that judges have the inherent jurisdiction under the long-established doctrine of *parens patriae* to assist children in need, and to "fill in the gaps" in legislation when necessary and when in the best interests of a child. The Court of Appeal recognized the many legal benefits of parentage that were being denied to the non-biological mother, including that she was unable to obtain official documents and registrations for her child (such as a passport or hospitalization card, or registration at school). Most importantly, if the birth mother died, the non-biological mother would have no ability to make decisions for their son, not even for medical treatment. The Court also recognized the benefits being denied to the child, including the right to receive his non-biological mother's property if she died without a will.

Finally, the Court found that there were no other satisfactory avenues open to this family under law. For example, an adoption order would require that one of the biological parents lose legal status in favour of the non-biological mother.

Therefore, the Court of Appeal allowed the appeal, issuing a declaration that the non-biological mother was a legal parent, with the result that this child now has two legal mothers and one legal father. This marks the first time in Canadian history that a child has had more than two parents under law.

The case also opens the door for other "non-traditional families" to consider seeking similar declarations. However, it will still be necessary for every such application in Ontario to be made before a family court judge – it is not possible to obtain declarations by filling out a form or applying over the counter. Judges will grant declarations of parentage only when to do so would be in the best interests of the child, as was the case here.

FSAT is a United Way member agency and one of the largest counselling and community action organizations in Canada. It provides a wide range of services in 24 different languages to families from marginalized and

disadvantaged communities, including counselling and education on domestic violence, child poverty and healthy parenting. FSAT intervened in this case in support of the appeal and was represented by Blakes on a pro bono basis, with Bradley Berg and Courtney Harris appearing as counsel.

Blakes provides pro bono legal advice to many worthy organizations on issues including charitable activities, child advocacy, employment, litigation and corporate law. Blakes has also launched a variety of initiatives supportive of equity and diversity as priorities for our Firm. For more information on Blake, Cassels & Graydon LLP, please view www.blakes.com.

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